

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
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)
 Plaintiff,) 8:04CR535
)
)
 vs.) **FINAL ORDER OF**
)
 FORFEITURE
)
)
KEITH ELMER,)
GREG DARLING,)
PEDRO NAVARETTE,)
)
)
 Defendants.)

NOW ON THIS 14th day of September, 2005, this matter comes on before the Court upon the United States' Motion for Final Order of Forfeiture and Memorandum Brief. The Court reviews the record in this case and, being duly advised in the premises, find as follows:

1. On June 28, 2005, the Court entered a Preliminary Order of Forfeiture pursuant to the provisions of Title 21, United States Code, Sections 841(a)(1), 841(b)(1) and 853, based upon the Defendants' pleas of guilty to Counts I, II, IV, V and VII of the Indictment filed herein. By way of said Preliminary Order of Forfeiture, the Defendants' interest in \$2,295.00, \$6,928.00, \$20,000.00, \$26,740.00, \$10,520.00 and \$895.00 in United States Currency was forfeited to the United States.
2. On July 28, August 4 and 11, 2005, the United States published in a newspaper of general circulation notice of this forfeiture and of the intent of the United States to dispose of the properties in accordance with the law, and further notifying all third parties of their right to petition the Court within the stated period of time for a hearing to adjudicate the validity of their alleged legal interest(s) in said properties. An Affidavit of Publication was filed herein on September 13, 2005 (Filing No. 91).

3. The Court has been advised by the United States no Petitions have been filed. From a review of the Court file, the Court finds no Petitions have been filed.

4. The Plaintiff's Motion for Final Order of Forfeiture should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The Plaintiff's Motion for Final Order of Forfeiture is hereby sustained.

B. All right, title and interest in and to the subject properties, i.e., \$2,295.00, \$6,928.00, \$20,000.00, \$26,740.00, \$10,520.00 and \$895.00 in United States Currency, held by any person or entity, are hereby forever barred and foreclosed.

C. The subject properties, i.e., \$2,295.00, \$6,928.00, \$20,000.00, \$26,740.00, \$10,520.00 and \$895.00 in United States Currency, be, and the same hereby are, forfeited to the United States of America .

D. The United States Marshal for the District of Nebraska is directed to dispose of said properties in accordance with law.

DATED this 14th day of September, 2005.

BY THE COURT:

s/ Joseph F. Bataillon

JOSEPH F. BATAILLON, CHIEF JUDGE
United States District Court